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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PATRICIA HERBORN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 4:11-cv-0013-SBA

JOINT MOTION AND ORDER
FOR THE AWARD OF ATTORNEY FEES

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of three thousand and two hundred dollars and no cents (\$3,200.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset.

1 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
3 fees, expenses and costs to be made directly to Pamela R. Vincent, pursuant to the assignment
4 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
6 fees and expenses, and does not constitute an admission of liability on the part of Defendant under the
7 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
8 all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees, expenses,
9 and costs in connection with this action.

10 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
11 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

12 Respectfully submitted,

13 Dated: October 25, 2011

/s/ Pamela Vincent
(As authorized via email)
PAMELA VINCENT
Attorney for Plaintiff

16 Dated: October 13, 2011

MELINDA L. HAAG
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

/s/ Kathryn R. Watson
KATHRYN R. WATSON
Special Assistant United States Attorney

Attorneys for Defendant

23 **IT IS SO ORDERED:**

25 Dated: _10/31/11


THE HONORABLE SAUNDRA BROWN ARMSTRONG
United States Judge